

Notice of Allowability

Application No.

10/528,086

Applicant(s)

SAHASHI, NOZOMU

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/17/2005.
2. ☒ The allowed claim(s) is/are 11-15 (Renumbered as 1-5).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/16/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


LIN YE

SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. **Claims 11-15**, drawn to video conversation device to be used by a deaf-mute person, classified in class 348, subclass 211.12.
 - II. **Claims 16-18**, drawn to a system to interconnect a deaf-mute person using a video conversation device with non-deaf-mute person with using another video conversation device and an interpreter to allow communication between said deaf-mute person with said non-deaf-mute person, classified in class 348, subclass 211.3.
2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because in Group I, the claim recites the particulars to a communication device to be used by a deaf-mute person comprising a camera to capture images of the deaf-mute person and a second camera to capture images that said deaf-mute

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persons desire to capture and transmit, both images being synthesized and transmitted, wherein the deaf-mute person is allowed to transmit a message with the image being captured; in Group II, the claim requires a system to interconnect a deaf-mute person using a video conversation device with non-deaf-mute person with using another video conversation device and an interpreter to allow communication between said deaf-mute person with said non-deaf-mute person according to a detection of whether the person on the video phone terminal is registered as a deaf-mute person. The system in claim 16 (Group II) does not require the specifics of claim 11 (Group I) since the terminal being used in the system does not necessarily needs the structural characteristics as defined in claim 1 to operate (a video conversation device such as a video conference where the user can communicate using a plurality of cameras connected to a computer system transmitting information through a telephone connection would can be used). The subcombination has separate utility, since it can be used without the need of a system to recognize whether the user is registered as a deaf-mute person in order to send messages or to participate on a videoconference.

3. The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or

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divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Christopher A. Bennett (Attorney on Record, Reg. No. 46,710) on August 27, 2007 a provisional election was made without traverse to prosecute the invention of **Group I, claims 11-15**. Affirmation of this election must be made by applicant in replying to this Office Action. **Claims 16-18** are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

This application is in condition for allowance except for the presence of **claims 16-18** directed to a different Group Non-Elected without traverse (See

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Election of Species above). Since claims 16-18 are directed to a Non-Elected Group without traverse the application has been amended as follows:

Claims 16-18 have been cancelled.

Allowable Subject Matter

6. **Claims 11-15** (Renumbered as 1-5) are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 11 (Renumbered as 1), the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, including all the limitations of the present claim, hand imaging means including waist fixing means to be fixed at the waist of a deaf-mute person to capture images of the hands of said deaf-mute person to acquire a sign language video; sight line direction imaging means fixed to the head of said deaf-mute person and arranged to capture images of an area in a direction of the sight line of said deaf-mute person; video signal synthesis means for synthesizing a video signal captured by said hand imaging means and a video signal captured by said sight line direction imaging means; wherein the deaf-mute person can include an explanation by sign language while transmitting a video in the sight line direction.

Ohki et al. (US Patent 6,477,239 B1) discloses a sign language telephone device comprising a camera (Fig. 1: 102) connected to a sign language telephone control device (Fig. 1: 110), wherein the image data taken from the user is interpreted by the sign language telephone control device to

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translate the sound signals from the user to synthesize an animation of a translation from voice to hand signal to the transmitted video to a second user (Col. 7, lines 36-65; col. 8, line 4 – col. 9, line 3; col. 9, line 45 – col. 10, line 67; col. 11, lines 1-58).

Bravin et al. (US 2006/0026001 A1) discloses a video communication system for deaf persons having a video relay service (Fig. 2: 19) comprising a relay interpreter (Fig. 2: 21) that translates the sign language messages to voice or written messages to another user in communication with the deaf person (Page 2, ¶ 0023-0025; page 3, ¶ 0026 – page 4, ¶ 0037; page 5, ¶ 0042 – page 6, ¶ 0051).

Bullister (US Patent 6,211,903 B1) discloses a camera arrangement (See figs. 1 and 2), wherein the camera can capture a portion of the scene in the user's sight and also the face of the user using a mirror (Fig. 1: 114) so that the resultant image would comprises both, the user's face and the scene in sight (See fig. 3), wherein said resultant image would be transmitted to another user through a telephone system (Col. 5, lines 24 – col. 6, line 26; col. 7, lines 9-52; col. 9, line 55 – col. 10, line 40).

Ghanouni et al. (US Patent 7,204,650 B2) discloses the concept of having structure holding a camera so that the user can control the camera to be included in the images captured, wherein the structure can be secured to the waist of the user (Col. 2, lines 20-51; col. 3, lines 12-58).

However, the teaching of Ohki et al., Bravin et al., Bullister and Ghanouni et al., either alone or in combination fails to teach or reasonably suggest the

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hand imaging means including waist fixing means to be fixed at the waist of a deaf-mute person to capture images of the hands of said deaf-mute person to acquire a sign language video; sight line direction imaging means fixed to the head of said deaf-mute person and arranged to capture images of an area in a direction of the sight line of said deaf-mute person; video signal synthesis means for synthesizing a video signal captured by said hand imaging means and a video signal captured by said sight line direction imaging means; wherein the deaf-mute person can include an explanation by sign language while transmitting a video in the sight line direction.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 9:30 A.M. to 6:00 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
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NDHH
August 27, 2007



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SUPERVISORY PATENT EXAMINER